

REMARKS

In response to the Office Action mailed October 2, 2006, Applicant respectfully requests reconsideration.

As a preliminary matter, Applicant notes with appreciation the indication of allowable subject matter in claims 3-5 and 7-9.

Furthermore, Applicant appreciates the courtesies extended by Examiner Vo in granting and conducting the telephone interview on December 21, 2006. The substance of the interview is summarized herein below.

The Office Action rejected claim 1 under 35 U.S.C. §112, second paragraph, as being indefinite. Regarding claim 1, the Office Action asserts, in line 11, that the word “means” is preceded by the word(s) “for” in an attempt to use a means clause to recite a claim element as a means for performing a specified function. Applicant respectfully requests further clarification of this rejection as Applicant cannot find in the portion of the claims specified in the Office Action where the word “for” precedes the word “means”. Accordingly, Applicant believes that the rejection is improper and should be withdrawn. However, if the rejection is to be maintained, Applicant respectfully requests further clarification of the rejection so that Applicant may have the opportunity to respond to such rejection.

Claims 1-9 were rejected under 35 U.S.C. §102(e) as being anticipated by Regnier. Applicant respectfully traverses this rejection.

As Applicant’s representative explained to Examiner Vo in the telephone interview of December 21, 2006, in order for the Regnier refer to be prior art against the present application under 35 U.S.C. §102(e) as of the PCT filing date, the following conditions must be met: 1) The inventors must be different in the two application. 2) The PCT application must have been filed on or after November 29, 2000. 3) The PCT application must have designated the United States. 4) The PCT application must have been published under PCT Article 21(2) in English.

The Regnier PCT application was published in French. Accordingly, Regnier is not citable as a reference as of its PCT filing date.

In view of the fact that Regnier is not properly prior art under 35 U.S.C. §102(e) as of its PCT filing date, the rejection is improper and should be withdrawn.

For the Examiner's convenience, a copy of the published PCT application is attached to this response.

In view of the foregoing remarks, claims 1-9, should be in allowable condition.

CONCLUSION

A Notice of Allowance is respectfully requested. The Examiner is requested to call the undersigned at the telephone number listed below if this communication does not place the case in condition for allowance.

If this response is not considered timely filed and if a request for an extension of time is otherwise absent, Applicant hereby requests any necessary extension of time. If there is a fee occasioned by this response, including an extension fee, that is not covered by an enclosed check, please charge any deficiency to Deposit Account No. 23/2825.

Dated: January 2, 2007

Respectfully submitted,

By: 

James H. Morris, Reg. No. 34,681
Wolf, Greenfield & Sacks, P.C.
600 Atlantic Avenue
Boston, Massachusetts 02210-2206
Telephone: (617) 646-8000